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COUNTY OF ALAMEDA, CHARLES PLUMMER,
and ALAMEDA COUNTY SHERIFF'S OFFICE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

10	SALVADOR RAMOS,)	Case No.: C06-03349 MMC (MEJ)
11	Plaintiff,)	
12	vs.)	STIPULATION AND PROTECTIVE
13	COUNTY OF ALAMEDA, ALAMEDA)	ORDER REGARDING WRITINGS,
14	COUNTY SHERIFF'S DEPARTMENT,)	MATERIALS AND INFORMATION TO
15	CHARLES C. PLUMMER, in His Capacity)	BE PRODUCED BY THE PARTIES FOR
16	As The Sheriff Of Alameda County, And)	INSPECTION, COPYING AND USE IN
	DOES 1 To 100, inclusive,)	THIS LITIGATION
	Defendants.)	

Plaintiff and Defendants (hereafter "Parties") will be producing writings, materials and information in this action, either by request for production or through an initial disclosure in accordance with Federal Rules of Civil Procedure, Rule 26.

The Parties believe such writings, materials and information are in whole or in part, confidential, security sensitive and privileged, contain information and references to medical and mental health records, substance abuse information, law enforcement and criminal justice records, and will only be produced for inspection or copying under this protective order.

IT IS HEREBY STIPULATED by the parties, through their counsel, as follows:

1. All writings (as defined by Federal Rules of Evidence, Rule 1001), materials, and information produced and designated "confidential" by the Parties shall be securely maintained and kept confidential in accordance with the terms of this stipulation and protective order. Any

1 information designated confidential shall be marked “confidential.” The Parties and their
2 counsel will act in good faith in designating the information as “confidential” so as to comply
3 with the requirements of Northern District Local Rule 79-5. If any Party, through their counsel,
4 contend that any of the information designated as “confidential” by an opposing Party is not
5 confidential, security sensitive or privileged, then that Party and/or counsel must make a proper
6 and timely objection to opposing counsel, meet and confer in an effort to resolve the
7 disagreement, and if the disagreement is not resolved after meeting and conferring, bring the
8 issue before the court for resolution.

9 2. Counsel for the Parties may as appropriate in this action show any such
10 “confidential” writings, photographs, materials, or any copies, prints, negatives, listings or
11 summaries to Parties to the action, witnesses, and experts or consultants employed by the Parties
12 and retained in connection with this specific action. The Parties to the stipulation and protective
13 order and counsel shall not give, show, or otherwise divulge any such writings, photographs,
14 materials or information, or the contents or substance thereof, or any copies, prints, negatives,
15 listings or summaries, to any person or other entity except their employees, experts or
16 consultants employed and retained in connection with this specific action.

17 3. The employees, experts or consultants of the Parties in this action shall be given a
18 copy of this stipulation and protective order, and shall agree to be bound by its terms, prior to
19 being given access to such writings, materials or information.

20 4. All information submitted to or filed with the Court in connection with this action
21 which contain, set forth, summarize or otherwise refer to confidential writings, materials or
22 information, shall be filed with the court under seal pursuant to and in accordance with the
23 procedures set forth in Northern District Local Rule 79-5. The confidential portions of the
24 information to be filed with the court shall be filed in sealed envelopes as set forth in Northern
25 District Local Rule 79-5, which shall not be opened, nor the contents displayed or revealed to
26 anyone except by express order of the court. The Court, its employees and designated
27 representatives are permitted to review the contents of such sealed items for the purpose of
28 ruling on any matter before the court.

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5. The Parties through their counsel, experts and consultants may only use the writings, materials or information covered by this order, and information contained therein, solely in connection with this action, Case No. C06-03349 MMC (MEJ).

6. Upon completion of the trial and any appeals in this case, or upon conclusion of any settlement, counsel for the Parties who have obtained any writings, materials or information under this order shall collect them from all recipients and return them and all copies, lists, prints, negatives or summaries to counsel for the Party that produced the confidential material, or advise the producing party's counsel in writing that all copies had been destroyed.

7. None of the Parties to this action, their counsel or any of the other persons or entities who have agreed to be bound by the terms of the stipulation and protective order shall hereafter unilaterally change, limit, vacate or otherwise modify or terminate the effect of this stipulation and protective order. Any modification to the protective order requires further stipulation of the Parties and Court order, or by motion to the Court for good cause.

8. The improper disclosure of any confidential writings, materials, or information obtained under this stipulation and protective order, or any other violation of this protective order by any person or entity, shall render the offending person or entity subject to such sanction as the court deems appropriate.

Dated: August 16, 2006

LAW OFFICES OF STEVEN R. JACOBSEN

By: /s/ James L. Armstrong
 James L. Armstrong
 Attorneys For Plaintiff

Dated: August 16, 2006

HAAPALA, ALTURA,
 THOMPSON & ABERN, LLP

By: /s/ Benjamin A. Thompson
 Benjamin A. Thompson
 Attorneys For Defendants
 COUNTY OF ALAMEDA, CHARLES
 PLUMMER, and ALAMEDA COUNTY
 SHERIFF'S OFFICE

PROTECTIVE ORDER

Having considered the proposed stipulation, the Court orders that the writings, materials and information relating to this action will be maintained in accordance with the provisions of this stipulation.

IT IS SO ORDERED.

Dated: August 17, 2006


Honorable Maxine M. Chesney

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